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UNCLAS SECTION 01 OF 02 PHNOM PENH 000549

SENSITIVE  
SIPDIS

STATE FOR EAP/MLS, P, D, DRL

E.O. 12958: N/A  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [CB](#)  
SUBJECT: MU SOCHUA LIABLE FOR DEFAMATION

REF: PHNOM PENH 514 AND PREVIOUS

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: The Phnom Penh Municipal Court pronounced Mu Sochua liable for defaming Prime Minister Hun Sen on August 4, closing this chapter of the long-running drama. International observers attended the session to hear the verdict, though police denied entry to NGO representatives and journalists. Judge Sem Sakola ordered Mu Sochua to pay a fine of 8.5 million riels (\$2,125 USD), with additional compensation to the Prime Minister (PM) of 8 million riels (\$2,000 USD). At the eleventh hour, Sam Rainsy Party (SRP) leadership reversed its decision to pay the fine automatically, declaring the decision on next steps would be left to Mu Sochua, who needs "time to think." Sam Rainsy and Mu Sochua led over 100 SRP supporters in a march through Phnom Penh's streets to protest today's verdict, ending in a large scuffle. Police arrested two SRP supporters, but released them within an hour following intervention by SRP leaders. END SUMMARY.

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The Verdict  
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¶2. (SBU) Reading from a written verdict, Judge Sem Sakola noted that Mu Sochua availed herself of the opportunity to remain silent during the July 24 hearing. The judge stated that her verdict was, therefore, based on prior evidence submitted during the investigatory period - primarily the video of Mu's April 23 press conference, Mu's statement to the investigating prosecutor from June 3, letters written by Mu to international organizations, and letters written by those organizations to the PM. (NOTE: Most, though not all, the letters were public information, published in newspapers and on the Internet. END NOTE.)

¶3. (SBU) The judge stated that she heard Mu, in the videotaped press conference, claim that the PM's April 4 comments adversely affected the honor and dignity of all Cambodian women. Adapting language from arguments made by the PM's lawyer, Ky Tech, the judge announced that the April 4 comments referred only to one woman, and not by name; therefore, Mu's press conference claim was an intentional insult to the PM. The judge remarked on the angry tone of letters written by international women's organizations to the PM, citing this as evidence that Mu's appeals to those organizations were also defamatory.

¶4. (SBU) The judge sentenced Mu to pay 8,500,000 riels (approximately \$2,125 USD) as a fine, and ordered an additional 8,000,000 riels (\$2,000 USD) in direct compensation to the PM. This is possible under the French-based legal system in Cambodia, where complaints originate as civil action between parties, but where courts may pursue concurrent criminal charges. The double fine is the result of a verdict on both the criminal and civil

complaints simultaneously.

15. (SBU) Government prosecutor Sok Kalyan requested in his July 24 closing statement that the court require Mu to pay fees associated with publicizing the verdict through the media. Citing the public nature of the July 24 hearing (which was open to the press), and the amount of publicity the case had already received, the judge declined to assess additional penalties for publicizing the verdict.

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SRP Reverses Position  
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16. (SBU) Local media carried the story the morning of August 4 that the SRP had changed its position on the Mu Sochua case, and would not automatically pay any fine assessed against her. Post confirmed with SRP sources that the Party decided the night of August 3 to let Mu Sochua decide on her own whether to pay the fine, or whether to appeal the decision. The SRP had affirmed, as late as the morning of August 3, that they intended to pay any fine stemming from the case and not to appeal. That decision was supposed to help the Party close the case and move forward with a "more mature strategy" for the future. Saying Mu Sochua needed "time to think," a Party source said they will likely confirm on August 5 their support for whatever decision Mu Sochua may make on an appeal.

17. (SBU) The SRP issued a joint statement with the Human Rights Party immediately following the verdict. The statement noted the Parties' belief that Mu did not defame

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the PM, that the government failed to present evidence supporting the defamation charge, and that the case demonstrates the bias of the court.

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Mu Supporters March in Protest  
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18. (SBU) Immediately after the court adjourned, Mu Sochua, Sam Rainsy, and fellow SRP Parliamentarians answered press questions, then led a protest march from the gates of the Municipal Court toward SRP Headquarters. Holding a large candle, Mu led the march down the street, smiling despite the adverse ruling. The 100-200 supporters encountered had a few scuffles with police during the march, culminating in a large confrontation near the Wat Lanka pagoda. Two supporters, an SRP member and a bodyguard, were arrested and detained at a police station for questioning. But police released them an hour later after three SRP MPs and several human rights NGOs requested their release. No serious injuries were reported.

19. (SBU) Mu Sochua is scheduled to depart Phnom Penh the afternoon of August 5 for work and vacation in Canada and the United States. Due to her role leading this unannounced and unapproved protest march, she asked that the Embassy observe her departure. She is an American citizen; the Embassy will send a consular officer to monitor from a distance Mu's departure at the airport to mitigate any problems that may arise as a result of today's actions.

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NGOs and Media Barred from Session  
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10. (SBU) In stark contrast to the relative chaos of the July 24 hearing, the court and police prepared for the possibility of disturbances on August 4 by numbering seats in advance, and distributing assigned seating tickets in the gallery. While diplomatic observers and several SRP MPs and staff entered without problems, no journalists or NGO representatives received access to the courtroom. International observers included representatives of the U.S.,

UK, Australian, German, and Danish missions, and an observer from the UN Office of the High Commission for Human Rights.

¶11. (SBU) Poloff saw at least 50 police officers from 3 different units in and around the courthouse - Cambodian National Police regulars, traffic police, and a heavily-armed unit in black paramilitary uniforms with arm patches identifying them as criminal judicial police. Court officers appeared to be working from a list of approved observers as they distributed seating assignments.

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Lawyer Not Penalized  
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¶12. (SBU) The judge assessed no penalty against Mu Sochua's former lawyer, Kang Sam Onn, noting letters to the court from Ky Tech regarding the PM's acceptance of Kang Sam Onn's apology, and from Kang Sam Onn reiterating his acknowledgment of wrong-doing.

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COMMENT  
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¶13. (SBU) What should have been the end of the defamation battles between the PM and Mu Sochua is now just a pause before the next chapter begins. The SRP had publicly touted its new way forward in recent weeks, but the non-confrontational SRP seems to have been short-lived. Today's protest march, and the decision to allow Mu to decide whether to continue her fight against the PM, gives evidence of a rift within the SRP over its intentions to pursue a new course; the Party may have played that card in an effort to influence the court and public opinion.

¶14. (SBU) In the overall context of political speech, the more serious cases of disinformation still in the courts, and the addition of several incitement cases against NGO representatives in land-related cases, show that some high-ranking leaders have no intention of backing down in the face of critical attacks against them. END COMMENT.  
RODLEY